

REMARKS

By this amendment, claims 1, 10, 13, 28, 48, 55, 57, and 61-62 have been amended. Claims 1, 4-7, 9-10, 12-17, 28-32, 48, 55, 57-59, and 61-62 are pending in the application. Applicants reserve the right to pursue the original claims and other claims in this and other applications.

Claim 55 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Ko (US 6,367,038; hereinafter “Ko ‘038”). This rejection is respectfully traversed.

Claim 55 recites a recording medium “wherein, in response to the defect management off mode being selected, defect management is not performed.” Applicants respectfully submit that Ko ‘038 does not disclose at least these features.

To the contrary, Ko ‘038 is directed toward allocating a size of a supplementary spare area, implying that there will always be at least a primary spare area, and thus there will always be defect management. Col. 4, ln. 1-3. Ko ‘038 discloses that “a primary spare area for slipping replacement and linear replacement is allocated on a disc during initialization of the disc. Col. 4, ln. 9-12. “The primary spare area must have a minimum spare area necessary for slipping replacement and a predetermined amount of spare area for linearly replacing defects that can be generated on a disc while the disc is being used.” Col. 4, ln. 18-22 (emphasis added). Applicants respectfully submit that Ko ‘038 does not disclose, teach, or suggest at least , as recited in claim 55.

Applicants also submit that Ko '038 fails to disclose a "temporary disc definition structure" and a "temporary defect list," as recited in claim 55. Since Ko '038 does not disclose all of the features of claim 55, claim 55 is not anticipated by Ko '038. Applicants respectfully request that the 35 U.S.C. § 102(b) rejection of claim 55 be withdrawn and the claim allowed.

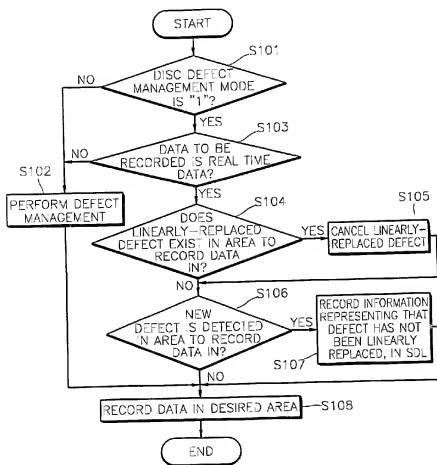
Claims 1, 4-6, 10, 13-14, 16, 28, 31, 48, and 61-62 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ko (US 2002/0105868; hereinafter "Ko '868") in view of Park et al. (US 6,477,126; hereinafter "Park et al. '126") and/or Ko '038. This rejection is respectfully traversed. None of Ko '868, Park et al. '126, nor Ko '038, even when considered in combination, teaches or suggests all of the features of independent claims 1, 13, 28, 48, or 61-62.

Claim 1 recites a method of recording data on a recording medium, *inter alia*, "recording the data on the recording medium without defect management, when the defect management off mode is selected." Claims 13, 28, 48, and 61-62 recite similar features. Applicants respectfully submit that Ko '868, Park et al. '126, and Ko '038, even when combined in any combination, fail to teach or suggest at least these features.

To the contrary, Ko '868 teaches that the linear replacement method may be performed even when the defect management mode is set to "1," i.e., on. For example, as shown in FIG. 9 (reproduced below), if the defect management mode is set to "1" ("YES" branch of operation S101), but the data to be recorded is not real-time data

("NO" branch of operation S103), then linear replacement defect management is performed (operation S102). Therefore, it is possible for linear replacement defect management to be performed even though the defect management mode is set to "1".

Ko '868 FIG. 9



Applicants respectfully submit that Ko '868 does not disclose, teach, or suggest at least "recording the data on the recording medium without defect management, when the defect management off mode is selected," as recited in claims 1, 13, 28, 48, and 61-62. Nor are Park et al. '126 or Ko '038 cited for these features. Thus, Park et al. '126 and Ko '038 do not remedy the deficiencies of Ko '868.

Furthermore, claims 1, 13, 28, 48, and 61-62 recite features similar to claim 55; therefore, Ko '838 and/or Park et al. '126 do not cure the above-discussed deficiencies of Ko '038.

Since Ko '868, Park et al. '126, and Ko '038 do not teach or suggest all of the features of claims 1, 13, 28, 48, and 61-62, claims 1, 13, 28, 48, and 61-62 are not obvious over the cited combination. Claims 4-6, 10, 14, 16, and 31 depend, respectively, from independent claims 1, 13, and 28, and are patentable at least for the reasons mentioned above, and on their own merits. Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claims 1, 4-6, 10, 13-14, 16, 28, 31, 48, and 61-62 be withdrawn and the claims allowed.

Claims 7, 9, 12, 15, 17, 29-30, 32, and 57-59 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ko '868 in view of Park et al. '126 and/or Ko '038, and further in view of Park et al. (US 2004/0179445; hereinafter "Park et al. '445"). This rejection is respectfully traversed. Applicants respectfully submit that at least Park et al. '445 is not prior art to the present application.

The present application claims priority to Korean Patent Application No. 2003-23727, Korean Patent Application No. 2003-23728, and Korean Patent Application No. 2003-23729, all filed on April 15, 2003, therefore having an effective filing date of April 15, 2003.

Park et al. '445 is cited as a 103(a) reference via 102(e), having a publication date after the filing date of the present application. Park et al. '445 claims priority to an Korean application Korean Patent Application No. 2003-015634, filed on March 13, 2003, in Korean. In accordance with M.P.E.P. § 706.02(f)(1), at least because the priority application was not published in English, the reference may only be prior art as of its U.S. filing date. *See, e.g.,* Example 3 of M.P.E.P. § 706.02(f)(1). The U.S. filing date of Park et al. '445 is September 26, 2003, which is after the April 15, 2003, effective filing date of the present application. Accordingly, Applicants respectfully submit that Park et al. '445 is disqualified as prior art.

Moreover, claims 7, 9, 12, 15, 17, 29-30, 32, and 57-59 depend, respectively, from independent claims 1, 13, 28, and 55, and are patentable at least for the reasons mentioned above, and on their own merits. Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claims 7, 9, 12, 15, 17, 29-30, 32, and 57-59 be withdrawn and the claims allowed.

Claims 1, 10, 13, 28, 48, 55, 57, and 61-62 have been further amended to correct grammatical and typographical errors unrelated to any rejection in the Office Action, which should not require any additional consideration or search.

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: February 16, 2010

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